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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,598	02/06/2004	Sonia Chokshi		5181

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EXAMINER

GRANT, ALVIN J

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/772,598	CHOKSHI, SONIA	
	Examiner	Art Unit	
	Alvin J Grant	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/12/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. **Examples of some** unclear, inexact or verbose terms used in the specification are:

- Page 1, lines 6, 10, 14, 17, and 25 change "ajar" to read "a jar".
- Page 1, lines 9, 10, 12 and 15, change "patent #" to read, "Patent No."
- Page 1, line 9, change "means for remover the cap" to read, "means for removing the cap".
- Page 1, line 13, change "at first end" to read, "at one end".
- Page 1, line 17, change "invention" to read, "cap".
- Page 1, line 19, change "know" to read, "known".
- Page 1, line 21, change "basic principal. As suck" to read, "basic principle. As such".
- Page 1, line 28, change "indented" to read, "formed".
- Page 2, lines 1 and 5, change "ajar" to read, "a jar".
- Page 2, line 14, change "arthritic" to read, "arthritis".
- Page 2, line 18, the phrase "and approximately %" does not state a quantity.

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- Page 2, line 30, change "The present invention has a preferred list of component parts;" to read, "The present invention has the following list of component parts:".
- Page 4, line 9, change "regarded as limited" to read, "regarded as limiting".
- Page 4, line 10, change "that the conception" to read, "that the concept".
- Page 4, lines 16 to 20, change " Further, the purpose of the foregoing abstract is to enable.....of the present application" to read, "Further, the purpose of the foregoing to provide an understanding of the essence of the disclosure after a cursory inspection thereof."
- Page 5, line 4, change "which is susceptible of a low cost of manufacture" to read, "which can be manufactured at a low cost".
- Page 5, line 5, change "is then susceptible of low prices of sale" to read, "can be sold at low prices".
- Page 5, line 26, change "thereofSuch" to read, "thereof. Such".
- Page 6, line 7, enter "Fig. 6 is a top view.....attachment means" in a new line.
- Page 6, lines, 10, 15, 16 and 20, change "opener I" to read, "opener 1".
- Page 6, line 15, the phrase "non means" is awkwardly and confusingly worded".
- Page 6, line 20, the phrase "flat view" is awkwardly worded".
- Page 6, line 21, change "releasable" to read "releasably".
- Page 7, lines 26 and 27, change "readily occur to those skilled" to read, "readily understood by those skilled".

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet ***within the range of 50 to 150 words***. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. **Claims 1-7** are objected to because of the following informalities:

In the first lines of claims 2-7, change "invention" to read "jar opener"

Claim 1: Page 1, lines 5 and 6, delete "a jar; and a cap of jar". These items are not a part of the jar opener. Consequently, in line 13, change the cap of said jar" to read, "a cap of a jar".

Page 1, lines 4 and 6, change "combination" to read, "combination:"

Page 1, line 6, change "ajar" to read, "a jar".

Page 1, delete line 7, "said jar opener.....in combination;"

Claim 2: Page 1, line 19, delete "of the present invention".

Claim 3: Page 1, line 20, change "comprises;" to read "comprises:"

Page 1, line 23, the phrase "from % of an inch to 3 inches" is awkwardly and confusingly worded".

Page 1, line 25, delete "with the intent.....hands and fingers".

Page 1, line 27, change "indented" to read, "formed".

Claim 5: Page 2, line 16, change "parts comprising;" to read, "parts comprising:" and indent the lines 17, 18 and 19.

Claim 6: Page 2, indent lines 23-26; and on Page 3, indent lines 1-8.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1, 4 and 5, the word "means" is preceded by the word(s) "handle, strap, securing and attachment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

7. Claim 4 recites the limitation "from % of an inch to 3 inches" which does not specify a lower limit.

8. The term "approximately" in claim 3 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does

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not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

9. ***The claims awkwardly written. Note the format of the claims in the patent(s) cited.***

Claim Rejections - 35 USC § 102

10 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1, 2, 5, 6, and 7**, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lind '696.

Lind discloses a tool comprising: a handle, an adjustable gripping strap, a releasable attachment; the handle has a plurality of gripping teeth that mate with the ribbed edge a workpiece; the gripping strap is wrappable around the workpiece and then releasably secured to the handle.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lind in view of Kelton '497.

Referring to claims 3 and 4, Lind is described above. Lind neither discloses a handle formed in a concave dish design nor a handle made of injection molding nor a serrated strap. Kelton discloses a jar opener wherein the handle is formed in a concave dish design so as to provide a larger mating surface with the cap, a rubber handle made of injection molding so as to enhance the grippability of the handle, and a serrated strap so as to fit the grooves in the cap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the handle of Lind to have a concave a dish design and also to form the handle by injection molding as taught by Kelton so as to respectively provide a larger gripping surface on a bottle cap, enhance the grippability of the handle, and better fit the grooves in the cap.

14. **Referring to claim 6**, the modified Lind inherently discloses the method steps in removing a cap from a jar.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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